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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,482	03/22/2004	Brad Hammond	18133-224CON	2792
30623	7590	05/11/2005	EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/806,482

**Applicant(s)**

HAMMOND ET AL.

**Examiner**

Chun Cao

**Art Unit**

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-20 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

#### ***Claim Rejections - 35 U.S.C. § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the internet" in line 2. There is insufficient antecedent basis for the limitation in the claim.

Claim 2 is rejected because they incorporate the deficiencies of claim 1.

#### ***Claim Rejections - 35 U.S.C. § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -  
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Anderson et al. (Anderson), US patent no. 5,961,604.

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As to claims 1 and 2, Anderson discloses an uninterruptible power supply manager [38, fig. 2, fig. 3] for managing a number of uninterruptible power supply systems [28, figures 2, 3] coupled to an internet [col. 1, lines 19-29, 42], the uninterruptible power supply manager comprising:

a communication port for communicating over the internet with the uninterruptible power supply systems and a plurality of user computers [col. 3, lines 5-32; col. 6, lines 65-67];

wherein the uninterruptible power supply manager computer is constructed and arranged to obtain inventory and status information from each uninterruptible power supply system over the internet and to provide at least a subset of the inventory and status information to at least one of the user computers over the internet [col. 4, lines 21-42; col. 6, lines 65-67].

Anderson further discloses a computer as the uninterruptible power supply manager. Inherently, the computer includes a processor and a storage medium for storing a database [col. 2, lines 59-61; col. 4, lines 33-35].

As to claims 3-4 and 10-11, Anderson teaches the claimed system. Therefore, Anderson teaches the claimed method of steps to carry out the system.

As the limitations set forth claims 5-9 are directed to implementations for implementing the method of steps of the uninterruptible power supply manager of claim 3. As discussed above, Anderson teaches of implementing the method of steps of the uninterruptible power supply manager of claim 3. It is for this reason, at the time of the invention, one of ordinary skill in the art would have readily recognized that Anderson

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may obviously also teach the implementations the method of steps of the uninterruptible power supply manager of claim 3 as set forth in claims 5-9. Therefore, claims 5-9 are rejected under the same rationale with respect to claim 3 [col. 3, line 47-col. 4, line 9].

As claims 12-20, Anderson teaches the claimed method of steps of claims 3-11. Therefore, Anderson teaches the claimed system of 12-20 respectively to carry out the method of steps.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ewing et al., US patent no. 5,949,974, discloses a power manager with a SNMP agent for storing a database, wherein the power manager manages a plurality of power module based on the database [fig. 1, 3; col. 4, lines 37-50; col. 5, lines 38-50; col. 7, lines 12-19].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Chun Cao', with a stylized, cursive script.

Chun Cao

May 6, 2005